
MINUTES
WASHINGTON CITY PLANNING COMMISSION
December 4, 2013

PRESENT: Commissioner Schofield, Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Papa, Commissioner Martinsen, Attorney Jeff Starkey, Councilman Staheli, Drew Ellerman, Kathy Spring, Lester Dalton, Bonnie Westbroek, Keith Westbroek, Wanda Payne, Joe Payne, Alan Fernelius, Jennifer Trella, Melvin Weeks, Davinene Weeks, Leona Lowry, David Lowry, Darby Harris, Trevor Harris, Jim Raines, Chuck Spilker, Connie Spilker, Larry Westover, Karen Westover, Chris Minus, William Bieseles, Susan Bieseles, Richard Winget.

Meeting called to order: 5:34

Invocation: Commissioner Martinsen

Pledge of Allegiance: Commissioner Williams

1. **APPROVAL OF AGENDA**

A. Approval of the agenda for December 4, 2013.

Commissioner Shepherd motioned to approve the agenda for December 4, 2013.

Commissioner Williams seconded the motion.

Motion passed unanimously.

2. **APPROVAL OF MINUTES**

A. Approval of the minutes from November 20, 2013.

Commissioner Shepherd motioned to approve the minutes from November 20, 2013.

Commissioner Smith seconded the motion.

Motion passed unanimously.

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

Commissioner Schofield disclosed that he lives in Northbridge; which relates to item 7 A, B and C but would participate and vote on the items.

4. **PLAT AMENDMENT**

A. Public Hearing for consideration and recommendation to City Council for a Plat Amendment for Bristol Park Phase 2 to vacate two lots and amend the footprints of the remaining units to allow for two car garages. Applicant: Chuck Spilker

Background

Drew Ellerman stated the applicant is requesting approval of an amended final plat for the Bristol Park Townhomes, Phase 2 subdivision, located at approximately 100 North 1250 East. This particular amendment request is to change the footprint of the unsold units to accommodate for a two car garage, versus the existing single car garages. The adjustment to each (non-built) unit footprint is minor and will allow the developer to meet the market demand for his remaining townhomes (yet to be built), which consist of the four main buildings at the east end of the project.

Staff has reviewed the requested proposed amendment, and finds no problem with this minor adjust to the individual townhome footprints. The amended phase 2 subdivision conforms to the approved preliminary plat (minus a few units). Those units being eliminated, will require the capping of all utilities (at the source), before recording can take place.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Amended Final Plat for the Bristol Park Townhomes, Phase 2 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed amended final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Commissioner Smith asked about the open space requirement.

Mr. Ellerman stated it increases.

Chuck Spilker stated they would take out a few units to allow for two car garages because there is more of a market for those types of units.

Commissioner Schofield opened the public hearing.

No response.

Commissioner Smith motioned to close the public hearing.

Commissioner Williams seconded the motion

Motion passed unanimously.

Commissioner Smith motioned to recommend approval to City Council with the findings and condition of staff.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

5. GENERAL PLAN AMENDMENT

- A. Public Hearing for consideration and recommendation to City Council for a General Plan Amendment request to amend Table 6-1 General Comparison between the Land Use Plan Map Designations and Zoning Designations. Applicant: Washington City, Drew Ellerman

Background

Drew Ellerman stated the City is wishing to amend a portion of the General Plan, more specifically, Chapter 6, General Elements of the Land Use Plan, Table 6-1, General Comparisons Between the Land Use Plan Map Designations and Zoning Designations. The requested amendment is to move the zoning designation of Single-Family Residential - 8,000 square feet min. (R-1-8), as currently found in the Low Density Residential category, into the Medium Density Residential category, for the purpose of keeping larger lots (R-1-10 and R-1-12) in the Low Density Residential (LD) designation. This would join the (R-1-8) designation with the (R-1-6 and R-2) zoning categories in Table 6-1, of Chapter 6 of the General Plan.

Recently, the City Council has felt a need to try and protect the Washington Fields area, as development request for smaller lots have been taking place this past year. They feel that moving this lot size (R-1-8 zoning category) out of the Low Density and into the Medium Density designation will help towards the goal of protecting the fields area, while still allowing for development to take place.

A sample of how the amendment will affect Table 6-1, can be found at the end of this report. With that said, staff is wishing to recommend that the amendment to move the R-1-8 zoning category from Low Density to Medium Density be approved.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Amendment to The Washington City General Plan, Chapter 6, Table 6-1 - "General Comparisons Between the Land Use Plan Map Designations and Zoning Designations", moving the R-1-8 designation from the Low Density Residential (LD) designation, into the Medium Density Residential (MD) designation as outlined in the chart attached hereto 9-1-6, to the City Council, based on the following findings:

Findings

1. The City Council of Washington City, wishes to make every effort to protect the Washington Fields area, as much as possible.
2. Specific chapters found within The Washington City General Plan have set policies as to the development of the Washington Fields area.
3. Language found in the General Plan, suggest that “relatively low base densities” should only be allowed in the residential development of this area.

Affected Area of Table 6-1, General Comparisons Between the Land Use Plan Map Designations
and Zoning Designations

Land Use Designation / Purpose:	Density (DU/Acre)	Comprisi these Zon District
<i>Very Low Density Residential (VLD)</i> Approximately ½ acre lots(2 units units per acre). Essentially a large-lot zone. This designation	1.5 to 2.5 d.u. / ac.	RA - ½ R-1-15
<i>Low Density Residential (LD)</i> Approximately 3 to 4 units per acre. This is the typical density of most single-family type developments in Washington City. Low Density is the predominant residential land use in the General Plan.	3 to 4 d.u. / ac.	R-1-12 R-1-10
<i>Medium Density Residential (MD)</i> Approximately 4 to 6 units per acre, this density allows traditional neighborhoods with smaller lot single-family homes and duplexes. This density could also be attained by mixing townhomes and small apartments with slightly larger lots or open space.	4.5 to 6 d.u. / ac.	R-1-8 R-1-6 R-2
<i>Medium High Density Residential (MHD)</i> Approximately 7 to 12 units / acres. This density allows townhomes and small apartments / condos	7 to 12 d.u. / ac.	MH (mobile Additional z not yet estab.

Commissioner Shepherd asked Mr. Ellerman in his opinion is there are any drawbacks to this change.

Mr. Ellerman stated he didn't feel there are any drawbacks. He is in favor of this change.

Jeff Starkey asked what is the smallest zone?

Mr. Ellerman stated R-2 and R-1-6. PUD's and Bonus Density can have some smaller lots.

Commissioner Schofield opened the public hearing.

Karen Westover stated coming to Utah from California her concern is crowd density and if there is enough water to accommodate the increase density and growth.

Commissioner Schofield stated there is the Lake Powell pipeline project, aquifers and zero maintenance landscaping is an option. This change is to limit the number of lots to a higher density. He stated Washington City is involved in discussion regarding water with the County and State.

Mr. Ellerman stated water is mandated by the State and the standard they set. Public Works would come to City Council and let them know when they are close to the number that can't handle the growth. He stated there is a city up north that has a moratorium on building. There is a table to figure out what a city can handle and Washington City is always looking at the concern with adequate water. He stated the problem with spreading out to far is water and sewer is costly with the extension of streets. General Plans change as cities grow and land changes happen.

William Beasley stated that the General Plan refers to feathering density. He asked if this would help the situation?

Mr. Ellerman stated this change doesn't change the feathering. R-1-8 is a higher density.

Commissioner Papa motioned to close the public hearing.

Commissioner Williams seconded the motion.

Motion passed unanimously.

Commissioner Smith motioned to recommend approval to City Council with the findings of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

6. FINAL PLAT

- A. Consideration and recommendation to City Council for the Coral Ridge Townhomes Phase 3C located at approximately 4250 East 2100 North. Applicant: Henry Walker Homes

Background

Drew Ellerman stated the applicant is requesting approval of a final plat for the Coral Ridge Townhomes, Phase 3C subdivision, located at approximately 2100 North 4250 East. This particular phase of the subdivision is proposing 36 lots on an area covering 3.7045 acres. The specific location of this subdivision is zoned PCD (Planned Community Development) as part of the Coral Canyon development. The Amended Preliminary Plat was approved back on May 8, 2013.

Staff has reviewed the requested proposal, and the proposed final plat, phase 3C, conforms to the approved amended preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Coral Ridge Townhomes, Phase 3C subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved amended preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Commissioner Papa motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

7. ZONE CHANGE

- A. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-13-15 to change from OS (Open Space) to PUD (Planned Unit Development) located at approximately North of Northbridge Estates North End of Concord Parkway.
Applicant: Brennan Holdings LLC

Background

Drew Ellerman stated the applicant is requesting approval to change the zoning of approximately 28.665 acres, located at approximately 950 West 2200 North (north of the current end of Green Springs Drive). The requested change is from the current Open Space (OS) zoning designation to a proposed Planned Unit Development (PUD) zoning designation.

The General Plan Land Use Map designation for this location is Low Density Residential (LD) which allows for zoning categories of R-1-8, R-1-10 and R-1-12 and density ratios of 3 to 4.5 dwelling units per acre. The surrounding General Plan designations are Low Density Residential (LD) to south and east, and Open Space (OS) to the west and north.

The surrounding zoning designations are Open Space (OS) to the north, west and south, and Single-Family Residential - 10,000 square feet min. (R-1-10) to the east.

The applicant is wishing to rezone this particular area to the PUD zoning designation in conjunction with two other proposed zoned changes in this area. This is all part of a combined development plan which will include R-1-15 and R-1-8 zoned parcels along with this PUD.

The Townhomes will be built in a four-plex design, each unit having a two car garage, with two units being one-story (the outside units), and two, two-story units (the interior units). There will be a total of 116 dwelling units, a recreation facility including a clubhouse and swimming pool for the residents. A large hillside / open space falls in the middle of the development, breaking the project up into two halves. Parking is always a question in multi-family developments, with the applicant providing the required parking for each home and additional visitor parking scattered throughout the development (133 stalls). The rest of the project falls in line with the PUD zoning requirements as outlined in the Zoning Regulations.

Staff has reviewed the proposal, it does fall within the General Plan Land Use plan for the area, and meets the requirements as outlined in the zoning and subdivision ordinances.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-13-15, for the zone change request from Open Space (OS) to Planned Unit Development (PUD), to the City Council, based on the following findings and subject to the conditions below:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Conditions

1. The project shall conform to the standards of the PUD Zone.
2. A traffic study shall be submitted for review and approval prior to submitting building permit applications.
3. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to site development. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
4. The side and rear elevations of the buildings shall be similar to the front elevation as shown on the submittals, and roof mounted equipment shall not be allowed.

5. Details for dumpster screening methods shall be submitted for review and approval with the building permit applications.
6. Detailed landscape and irrigation plans shall be submitted for review and approval prior to building permit applications and shall conform to the approved conceptual plan. The developer shall install the landscaping and irrigation infrastructure prior to the occupancy of any unit.
7. Details for the required perimeter block walls shall be submitted for review and approval with the site development plan approvals.
8. All structure and site improvements shall meet the requirements of City-adopted building and fire codes.
9. All landscaping, walls and other structures shall meet sight distance requirements.
10. All detention areas shall be landscaped and all detention, landscape and open space areas shall be maintained by the HOA and/or property owner(s).

Drew Ellerman showed an over view of the entire area for item 7 A, B and C.

Commissioner Schofield asked about the future of the Northern Parkway.

Mr. Ellerman stated if NPO wants the Northern Corridor or the Washington Parkway, as it will be named they would be building it. SITLA and the City will not build it and it wouldn't probably happen for 15 to 20 years. The property below this project is the Washington Vista.

Commissioner Shepherd asked about the zoning and what the lot sizes are for the Washington Vista.

Mr. Ellerman stated R-1-10 to the east of this project. There will be 116 unit/townhomes. The inner will be 4 plexes two story and the outer units are one story with two car garages with 25-foot height maximum. There is a recreation facility and additional 130 parking stalls. The dotted line on the plat shows the city limit that is in the process of annexation. There is open space and a trail system.

Jim Raines stated he represents Brennan Holdings and no longer works directly for Bush and Gudgell. He stated Bob Brennan is a neighboring property owner and owns 864 acres of the Tortoise Habitat. They are trying to do some land swap with BLM. Mr. Brennan will be coming with future projects and is committed in working with Washington City. They have looked carefully at the area and want to follow through with what is already there. Mr. Raines stated they met with residents in the area and showed them a plat map. They will be doing a development agreement with the preliminary plat. He stated they have up sized the lots backing Northbridge. They have trail system and more open space. The reason they didn't do their entire project as a PUD is because it didn't fit with the PUD requirements and accomplish what they want to do. The land is in an agreement with SITLA and they pay them as lots are sold. The project will be similar to Entrada. This is a 4 unit per acre with a total of 122 acres with 327 units and they are more of a villa style. This sits in a bowl and you can't visually see this from Northbridge. There will be a traffic study submitted to public works. They don't anticipate that the traffic will over load Concord Parkway. As far as the land value it will be a high end.

Ben Willits stated he is from Henry Walker Homes and they are excited about this project. Visually they are looking at Entrada. There will be flat roofs. They looked at Scottsdale as their model with a development named True North. They want this to be less intrusive as far as preserving the views. There will be amenities with a pool house.

Commissioner Schofield asked if Mr. Willits or Mr. Raines met with a Mr. Wannocut. He stated that the commission received a letter from him.

Commissioner Smith asked for clarification of the street width, private or public and also about sidewalks.

Mr. Willits stated the streets are 30 foot. If there were sidewalks it would be on one side only. There will be a small unimproved trail area with a seating area.

Commissioner Smith asked about the topography and if the building is stepped with retaining walls.

Mr. Willits stated the only place is on the right area shown on the plat. They don't anticipate any major or too many retaining walls.

Commissioner Smith asked if this is the same product as Entrada would this project be about the same price point?

Mr. Willits stated probably low \$300,000 for smaller units and the two story about \$400,000 price range. The small units are about 1,600 to 2,000 sq foot per unit.

Commissioner Schofield asked Mr. Dalton for public works about trips per household.

Mr. Dalton stated on residential it is 1.1 trips per household but townhomes are lower.

Commissioner Schofield opened the public hearing.

Glen Bingham stated he met with the developer and the first concern was traffic on Concord second was the trail and third was how it would be compatible with Northbridge. He stated he would rather see a better balance with moving PUD going onto Green Springs. Northbridge has 1.6 and their plan is for 2. He stated the General Plan calls for a trailhead to the Desert Reserve. He would like the project to be compatible to the Northbridge lots and maintain the property value. He likes that there will be one builder instead of spotted projects. He said his concern is more with the R-1-8 zone change.

Commissioner Schofield stated there would never be a stop sign on Green Springs. The PUD will not be as much of a traffic issue as the R-1-8. There will be a development agreement but what it doesn't do with the R-1-8 is if they lose the project and some else comes in they could do 8,000 sq foot lots. Concord Parkway has a medium that would not likely to be removed. The trail will exist and the compatibility is what the developer wants as well.

Mr. Ellerman stated if the Master Trail System shows a trail they would be required to put in the trail. He stated we shouldn't be talking about the trail at this point.

Bonnie Westbrook stated she is concerned with traffic on Green Springs and the bottleneck with the Green Springs intersection.

Mr. Dalton stated there is a study being done and they are looking at a plat UDOT has. There is a meeting with UDOT next week to address the intersection because it is at its maximum capacity.

Warren Beasley stated he is with the HOA board and stated on the General Plan it refers to the impact on parks, he asked if this account for units.

Chris Minus stated he lives in Northbridge and is concerned with traffic and the difference in the change of density. He stated they had the expectation that the density would be consistent with what is there. He stated the main concern is with a higher density, property values and traffic. He stated this appears to be a contradiction to the General Master Plan. He stated they paid a high premium for their homes and this could change the value.

Commissioner Schofield asked how is it a contradiction?

Mr. Minus stated it is the density in comparison to what is in Northbridge. This impacts the value of property.

Commissioner Papa motioned to close the public hearing.
Commissioner Smith seconded the motion.
Motion passed unanimously.

Commissioner Schofield asked for a motion to table item 7-A but the public hearing is closed.
Commissioner Smith motioned to table 7-A to after 7-B and C are discussed.
Commissioner Shepherd seconded the motion.
Motion passed unanimously.

- B. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-13-16 to change from OS (Open Space) to R-1-15 (Single Family Minimum 15,000 sq foot lots) located at approximately North of Northbridge Estates North End of Concord Parkway. Applicant: Brennan Holdings LLC

Background

Drew Ellerman stated the applicant is requesting approval to change the zoning of approximately 5.944 acres, located at approximately 1300 West 1900 North (beginning at the north end of Concord Parkway in the Northbridge Development in the Green Springs area). The applicant is requesting a zone change from the current Open Space (OS) zoning designation to a proposed Single-Family Residential - 15,000 Square Foot Min. (R-1-15) zoning designation.

The General Plan Land Use Map designation for this location is Low Density Residential (LD) which allows for zoning categories of R-1-8, R-1-10 and R-1-12 and density ratios of 3 to 4.5 dwelling units per acre. The surrounding General Plan Land Use designation are Low Density Residential (LD) to the north, west, south and east.

The surrounding zoning designations are Open Space (OS) to the west, north and east, and Planned Unit Development (PUD) to the south.

Staff has reviewed the proposal, it falls well within the General Plan Land Use plan designation, and therefore finds no problem with recommending approval of the proposed zone change.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-13-16, for the zone change request from Open Space (OS) to Single-Family Residential (R-1-15), to the City Council, based on the following findings:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Jim Raines stated they are going through the Annexation process and is currently with the County. He stated they submitted to public works today a Traffic Study category 2. Traffic can be broken into two ways Concord was designed to be a 60-foot residential connector road and the roads are public. A collector road was to be a 2-lane road. He stated the only impediment would be a large truck making a left turn.

Commissioner Schofield asked about the front load lots.

Mr. Ellerman stated they couldn't do curb cut onto Concord. They can front concord but that is not likely.

Commissioner Shepherd asked if the lots would be 15,000 sq feet lots.

Mr. Raines stated it is about 1 unit per acre. It will be shown on the preliminary plat. He stated that when SITLA approved this with Robert Brennan they did so because they trust him and Mr. Brennan is committed to Washington City.

Commissioner Shepherd asked if these are going to be custom homes.

Ben Willits stated the homes would be custom homes in the R-1-15.

Commissioner Schofield asked what the cost would be.

Mr. Willits stated low end is about \$200,000 to \$300,00 for the dirt.

Mr. Raines stated there are lots currently under contract with Henry Walker Homes.

Mr. Dalton stated he received the traffic summary for Concord Parkway and Green Springs. The current condition is north bound onto Concord is service B and when built out it will drop to C. The only reason it is not an A is because there is a stop sign. Grading is done A through F with A being the best and F being Failure.

Commissioner Schofield stated he lives in Northbridge for 7 years and when coming onto Lexington from Concord he has only stopped one time.

Commissioner Schofield opened the public hearing.

Warren Beasley asked in regards to open space is there going to be a HOA.

Mr. Raines stated there would be a HOA.

Mr. Beasley stated according to the General Plan there is a Hillside Ordinance and the hillsides should be preserved and there is also a Traffic Master Plan. The General Plan talks about walled streets that would allow for speeding traffic. He asked if construction traffic would be allowed to go onto Concord.

Mr. Raines stated they would not have construction traffic go onto Concord. He stated the walled street against the street usually have a landscape strip. They don't want to grade a site before they are going to build on it to preserve that natural landscape and not create a patch of weeds.

Chris Minus stated they have had problems with construction traffic and so they put up signs but it didn't work.

Commissioner Schofield stated the construction traffic would be addressed at preliminary plat stage. Construction traffic is graders and large trucks not the framer, electrician and subcontractors.

Rich Winget stated he met with the developer. He stated he is opposed to this because of traffic and Concord wouldn't support the traffic. The problem he has is the value of the property. He stated that in Green Spring there are already numerous lots and homes for sale and adding 300 additional home will decrease the value.

Commissioner Shepherd asked how long they anticipate for build out.

Mr. Raines stated 5 years to 9 years probably 7 years. The market is there and Henry Walker Homes knows how to market especially with those wanting a second home.

Ben Willits stated there is a large capitol outlay with a project like this. He stated they have done a specific market. The market study shows that the property values will increase.

Karen Westover stated with the condos with flat roofs how are the homes going to have flat roofs and be custom homes.

Mr. Willis stated the CC&Rs would mandate the design. The whole project will be flat roofs.

Susan Beasley stated she looks at all the lots that aren't selling. She said that she went to the Water Conservancy meeting and the millions of dollars that is going to be spent on the pipeline. She stated she is concerned with water and traffic especially the Green Springs intersection.

Commissioner Schofield stated that when people come in they build in an area but not always like the growth but the city thrives on growth and they try to look at the affect a project would have in 20 years. He stated they do have some say to mitigate issues with the developers. The developer for this project stated they would have a development agreement. He encouraged citizens to be careful of what they read and hear without facts. He stated as far as he knows the city isn't concerned if there is enough water.

Connie Westwood stated she feels this would have an impact on public safety.

Mr. Raines stated they would be paying about 2 million dollars to the Water Conservancy District for this project. They also have to pay impact fees to the city.

Commissioner Shepherd asked how cookie cutter are the homes? She stated she likes variety.

Mr. Willits stated they have gotten that far yet. As far as visually what will people see and the flat roof homes are preferred because the homes that are there now will not see the flat rooftops. Too much contrast is some times unsightly.

Commissioner Shepherd stated that she can't see how going to flat roofs from Northbridge works.

Commissioner Shepherd motioned to close the public hearing and table item 7-B to after 7-C.

Commissioner Papa seconded the motion.

Motion passed unanimously.

- C. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-13-17 to change from OS (Open Space) to R-1-8 (Single Family minimum 8,000 sq foot lots) located at approximately North of Northbridge Estates North End of Concord Parkway. Applicant: Brennan Holdings LLC

Background

Drew Ellerman stated the applicant is requesting approval to change the zoning of approximately 58.913 acres, located at approximately 1200 West 1950 North (beginning at the north end of Concord Parkway of the Northbridge Development in the Green Springs area). The applicant is requesting a zone change from the current Open Space (OS) zoning designation to a proposed Single-Family Residential - 8,000 square foot min. (R-1-8) zoning designation.

The General Plan Land Use designation at this particular location is Low Density Residential (LD), which carries a density ratio of 3 to 4.5 dwelling units per acre. The General Plan allows for zoning designation comparisons in Low Density Residential to be R-1-12, R-1-10 or R-1-8 zoning districts. The surrounding General Plan Land Use designations are Low Density Residential (LD) to the east, west and south.

The surrounding zoning designations are Open Space (OS) to the the west and north, Single- Family Residential - 10,000 square foot min. (R-1-10) to the east and Planned Unit Development (PUD) to the south.

Though staff may be recommending approval (due to the fact that the proposed change falls within the General Plan land use density ratios in its specific area), there is a concern regarding the lot sizes in comparison to surrounding developments. However, with that said, It should also be noted that throughout the entire Green Springs developed area there exist many different kinds of developments with varied lot sizes, home and subdivision designs.

Staff has reviewed the proposal, and again, the proposal does fall within the General Plan Land Use Plan. Staff voiced these concerns to the applicant, and was hoping to see some form of mitigation to those concerns, but has yet to receive anything concrete.

Recommendation

Staff (though concerned) recommends that the Planning Commission recommend approval of Z-13-17, for the zone change request from Open Space (OS) to Single-Family Residential (R-1-8), to the City Council, based on the following findings:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning may be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Mr. Raines said he would ask that they look at the overall view of the project. This does fit the General Plan and he is aware of the opposition to the R-1-8 zone but those have been in the field's area. He stated he is aware of the concerns and the comments made but the property owners have the right to develop. He stated the lots that back Northbridge are not less than 10,000 sq foot lots but because this is a zone change he could not show the design of the subdivision. He said he understands the want for open space.

The average cost is \$200 per sq foot per lot and the homes will be \$214 sq foot. They have tried to use a design that will be marketable and would not impede the views. Entrada and Kayenta are a lot of custom homes with flat roofs

Commissioner Schofield stated he agrees with the density complies with the General Plan but 90% north of Green Spring is R-1-10 and Northbridge is even greater.

Mr. Raines stated with R-1-10 it works for variety of builders. The lots will be 88 feet wide. If they were doing an open market they would go for the R-1-10. A PUD just doesn't fit.

Commissioner Schofield stated if this doesn't go the city is stuck. He stated this does fit in a pocket and agrees with the flat roofs. He asked why not the R-1-10.

Mr. Raines stated with the R-1-10 there isn't much of a difference visually from the R-1-8 you would have to measure it out. They want to build a difference type market but it is compatible to Green Springs.

Commissioner Schofield asked with a R-1-8 what is the lot difference from R-1-10.

Mr. Raines stated about 20 lots. He stated SITLA only does business with solid financial people and they trust Mr. Brennan.

Wanda Payne stated she lives on the corner of Lexington and Concord and is concerned with the traffic on that road. Her concern is that this project doesn't fit the look that is already there with the flat roofs. She said they have paid their impact fee when they bought their homes. With 320 homes with 2 cars per household on Concord is too much.

Mike Neese stated the lots sizes for lots 95 to 100 range 15,180 to 19,900 sq feet lots and there would have to be a road that could handle the traffic load, which would be on Wilshire. The smallest on Park Avenue is 15,100 sq feet. He suggested that there be a gradual phasing in. He stated he has visited with Kyle from SITLA and was told that it would meet with what is in Northbridge. He stated he would like to see it compatible to Park Avenue. He is also concerned with the water flow.

Mr. Dalton stated there are detention basins in the area that carries the water to Millcreek.

Mr. Neese asked how it drains and if it would be by culverts.

Mr. Dalton stated they would try to keep some in the natural state. This is something the city would look at in the construction drawing stage.

Mr. Neese asked about the number of children with the growth and where would a school go?

Jay Crosby stated he is not in favor of R-1-8 zoning. His concern is if the zone is passed and times go bad this doesn't get built they are stuck with this zone.

Chris Minus stated when looking for a home they were attracted to Northbridge and is not wanting the flat roof homes. He stated if this development comes in he might have to move.

Glen Johnson stated he is currently building in Northbridge and is concerned with R-1-8. He would like better feathering; he stated he doesn't like flat roofs.

Commissioner Schofield stated if they recommend approval tonight and this goes to City Council the developer has to come back with a preliminary plat for approval. He stated he understands the feathering and the density but there is a process the projects to through.

Karen Westover stated her lot is an 18,000 sq foot lot and there appears to not have much green space and no space between homes. She stated she doesn't like the flat roofs.

Commissioner Smith motioned to close the public hearing.
Commissioner Papa seconded the motion.
Motion passed unanimously.

Commissioner Schofield asked Mr. Raines and Mr. Willits about the concern of the feathering and is that something the developer would reconsider with the R-1-8.

Mr. Raines stated their plan is for feathering and the trail. He stated they did lose some lots with at least 10,000 sq foot; also Northbridge is not all 15,000 sq feet lots

Commissioner Schofield asked if Henry Walker Homes said they couldn't do the R-1-10 or is it a compilation.

Mr. Willits stated that had been considered but there wasn't a noticeable difference so there is feathering. If there was a 15,000 sq foot lot next to an 8,000 sq foot lot you would see a difference but this will not be noticeable.

Mr. Raines addressed the comments regarding the comment about being stuck with something that isn't going to happen. He stated with Mr. Brennan and Henry Walker they are committed to this project. They have done their market study. Phases will be built on the demand. He stated traffic concern is going to be a concern even with one car and respects the opinions shared. As far as the flat roofs, that is a matter of difference in what peoples tastes are.

Commissioner Papa asked about feather and crossing Wiltshire.

Mr. Raines stated no. He stated there are only 3 lots less than 10,000 sq feet.

Commissioner Smith asked about the frontage and the 88-foot wide lots. He stated if there were a lot of them in a row you would be able to see that they are the 8,000 sq foot lots.

Mr. Raines stated in some areas there would be more 8,000 sq foot lots probably 80% are various lot sizes has a feathering. Also the values will be comparable to Northbridge.

Commissioner Smith stated Entrada has patio homes.

Commissioner Schofield stated he would comment on the project as a whole. With regards to Northbridge it is not the only development in Green Springs. There is no certain style now in Northbridge. It has been a long time and not in the time he has been on the commission that a project this big has come in. Normally on a zone change they won't consider as much as they have spoken of tonight. As far as the style with the swell the rooftops won't be as noticeable. As far as the PUD he doesn't have a problem with it. As far as the developer he trusts SITLA to do business and partner with reliable people. With 15,000 sq lots is a good fit and doesn't appear to have an impact on Concord that was intended for Concord. Concord is a collector road and was stubbed for potential development. He stated Green Springs is the most beautiful road in the ST George area other than the Southern Corridor. His concern is with 7-C because of the density is too high with being 2/3 of this development. The difference between the two isn't significant but he would rather see R-1-10. He stated that 50% of the traffic going down Concord which is a 60 foot road. He stated he would rather have the high pitch roof if he lived at the other end of Northbridge.

Commissioner Papa asked about a traffic report on Main Street under the interstate.

Mr. Dalton stated they would like to approach UDOT with another interchange in the future.

Commissioner Papa asked if the Washington Parkway is a priority.

Mr. Dalton answered yes.

Commissioner Williams stated he is okay with 7-A & B. He stated with 7-C Mr. Raines has stated the border of Northbridge they will do some 15,000 and that is good. He stated he has been in Northbridge and what hurts Northbridge is the foreclosures. He stated he isn't concerned with the values. He stated the plan is a good one. The traffic will increase but feels Concord can handle it. He stated he would like a good buffer between the 8,000 sq foot lots and the 10,000 sq foot lots and that the design isn't a big deal.

Commissioner Shepherd stated they have talked about density with commercial but this isn't near commercial. She feels 7-A wouldn't decrease the value of homes but would like a variety of designs. She stated there is a trade off with green space at times. There maybe a time when they come back to rezone. She stated with 7 B she doesn't have an issue with it. With 7 C she wants to see more feathering and this could be a long-range development.

Commissioner Schofield stated to the developer that with 70 acres of land this would be great if it had come in sections. He would like R-1-8 by the reserve. He would like them to look at Green Springs and not just Northbridge. He stated he likes the development and what they are trying to do. He stated he like Entrada but doesn't think this will be built out in 5 years.

Mr. Ellerman stated a lot of questions have been expressed on density. He has spent a lot of time looking at the density and the general plan is for low density. He stated until they come in showing the lots they don't know what the size of the lots will be with a preliminary plat.

Commissioner Schofield stated he would like to see the whole plan at one time. He stated he understands that the developer could possibly spend a lot of money to do the whole process but it would be better to see everything at one time.

Mr. Raines asked if they could modify their request to change from R-1-8 to R-1-10.

Attorney Jeff Starkey answered not tonight because of the noticing requirements.

Commissioner Smith motioned to recommend approval of Z-13-15 to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Commissioner Papa Aye.

Commissioner Smith Aye.

Commissioner Shepherd Aye.

Commissioner Williams Aye.

Commissioner Schofield Aye.

Motion passed unanimously.

Commissioner Williams motioned to recommend approval of Z-13-16 to City Council with the findings and conditions of staff.

Commissioner Shepherd seconded the motion.

Commissioner Papa Aye.

Commissioner Smith Aye.

Commissioner Shepherd Aye.

Commissioner Williams Aye.

Commissioner Schofield Aye.

Motion passed unanimously

Commissioner Shepherd motioned to recommend denial of Z-13-17 to City Council based on the R-1-8 doesn't fit the surrounding zoning.

Commissioner Williams seconded the motion.

Commissioner Papa Nay.

Commissioner Smith Nay.

Commissioner Shepherd Aye.

Commissioner Williams Aye.

Commissioner Schofield Aye.

Motion passed with a 3-2 vote.

Mr. Ellerman stated these 3 items would go to City Council on January 8, 2014.

- D. Public Meeting for consideration and recommendation to City Council a Zone Change request Z-13-18 to amend the PCD (Planned Community Development) Amendment for Stucki Farms Site Plan Map, Zoning Comparison Table and Development Agreement. Applicant: Karl Larson

Background

The applicant is requesting approval to Amend portions of the Stucki Farms PCD project, as found in the Site Plan Map, Zoning Comparison Table and the Development Agreement.

More specifically:

- The amendment is to update the Stucki Farms PCD Site Plan Map. Certain villages have been revised, including village 4, which is now proposed to go from Very Low Density to Low Density; village 14 is proposing to go from Medium High Density residential to Commercial; and some parks have been updated to reflect current improvements and drainage plan adjustments.
- The text of the PCD Project Plan are also proposing to amend Section 2.0 Specific Site Plan, updating new uses and densities as found in the above paragraph. And, with this text amendment, the Zoning Comparison table (as found in the PCD) had to be updated to reflect the proposed amendments.
- The Development Agreement will also have to be updated by amendment to add the following sections:

Section 1, provision 1.17 will amended to read as follows:

- 1.17 "Multi-Family Uses" means all permitted attached residential uses, including private owner rental uses (which is only allowed in Villages 12 and 13), located as shown on the Preliminary Site Plan as Medium High Density designations.

Section 1, provision 1.29 is amended to read as follows:

- 1.29 "Single-Family Uses" means all permitted detached single-family residential uses, including private owner rental uses (which is only allowed in Villages 2 and 3), located on the Preliminary Site Plan as Medium Density, Low Density and Very Low Density designations.

Exhibit B is proposed to be amended as per the following attachment labeled "Exhibit B - Preliminary Site Plan".

Exhibit E is proposed to be amended as per the following attachment labeled "Exhibit E - Street Cross Sections & Curbing".

[SEE ATTACHED MAPS AND TABLES]

Staff has reviewed the proposed amendment to the Stucki Farms PCD project plan. Staff is fine with all of the proposed amendments as outlines.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-13-18, for the zone change request, Amending the Stucki Farms PCD project plan and associated Development Agreement, to the City Council, based on the following findings:

Findings

1. That the requested zoning amendment conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning amendment will be compatible with surrounding developments.
3. That no other changes (only those as outlined above) are implied to the remaining Stucki Farms PCD project plan and associated Development Agreement.

Commissioner Smith asked if the density as a whole is the same.

Mr. Ellerman stated it is the same even with switching areas around.

Commissioner Schofield opened the public hearing.

No response.

Commissioner Shepherd motioned to close the public hearing.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Commissioner Smith motioned to recommend approval of Z-13-18 to City Council with the recommendation of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

8. DISCUSSION ITEMS

- A. Discussion of the proposed Conditional Use Permit and Overlay Zone for the Vacation Rental Ordinance.

CONDITIONAL USE PERMIT PROPOSAL

9-14-25: Residential Rentals, Short Term:

- A. The purpose and intent of this Section is to protect the health, safety and general welfare of the residents of the city. This section establishes procedures for designating areas within the city where the rental of residential units on an overnight or short term basis is desirable and in the best interest of the community, and to aid the development of housing, particularly by owners who reside elsewhere and wish to rent their units when not in use. This section is intended to fully exclude such overnight and short term rental practices in residential areas that have not been approved under a conditional use permit.

- B. Definitions, the words and phrases defined below shall be used in interpreting and construing this Section:

GUEST BEDROOM: Each bedroom in the rental dwelling unit in addition to the first bedroom.

SHORT TERM: A period of twenty-seven (27) days or less (including overnight).

- C. Conditional Use In Residential Zones: Subject to the granting of a conditional use permit, short term rentals shall be allowed in any municipal residential zoning district which is zoned to permit exclusively single-family or multiple-family dwelling use, only if that residential use:
1. Is located on a lot size of ten thousand (10,000) square feet or more; and
 2. Separated by at least two hundred fifty feet (500') from another property used for short term residential rentals; and
 3. Conforms to all applicable health, safety, zoning and building codes adopted by the city; and
 4. Is capable of use as a short term residential rental without structural or landscape alterations that would change the structure's residential character; and
 5. Receives approval from seventy-five percent (80%) of the property owners within a three-hundred foot (500') radius of the short term residential rental. Approvals shall be in the form of originally signed and notarized letters from said property owners. Also, where applicable, letter of approval from the Home Owners Association (HOA) board; and
 6. Be controlled by a local property management person or company who shall be within twenty (20) miles of the short term residential rental property; and
 7. Have adequate off street parking, allowing for only two (2) vehicles plus one additional vehicle for every two (2) guest bedrooms. Parking requirements shall not include parking on public (or private) streets.
- D. The conditional use granted by this section is nontransferable and terminates if the structure is devoted to a use other than as a vacation / recreational facility, the change of ownership of the property, or if the structure fails to comply with applicable health, safety and building codes.
- E. License Required: The owner or property manager of each short term residential rental property shall obtain a short term residential rental property business license as required in this code prior to commencing the use.
- F. Each approved property will be required to have permanently posted, in a conspicuous place, the rules and regulations as it relates to the approved conditions of that particular conditional use permit, for that specific location.

OVERLAY ZONE CHANGE PROPOSAL

CHAPTER 12

OVERLAY ZONES

ARTICLE E. RESIDENTIAL RENTALS, SHORT TERM

SECTION:

- 9-12E-1: Purpose And Intent
- 9-12E-2: Applicability
- 9-12E-3: Application Procedures
- 9-12E-4: Use Regulations
- 9-12E-5: Site Development Regulations
- 9-12E-6: Height Regulations
- 9-12E-7: Area, Width and Yard Setbacks
- 9-12E-8: Modifying Regulations
- 9-12E-9: Approval Process

9-12E-1: **PURPOSE AND INTENT:** The purpose and intent of the residential rentals, short term overlay zone is to protect the health, safety and general welfare of the residents of the city. This overlay zone establishes procedures for designating subdivisions within the city where the rental of residential units on an overnight or short term basis is desirable and in the best interest of the community, and to aid the development of housing, particularly by owners who reside elsewhere and wish to rent their units when not in use. This article is intended to fully exclude such overnight and short term rental practices in residential areas not within the recreational housing overlay zone, or in accordance with Section 9-14-25. "Short term" shall be defined to mean a period of twenty-seven (27) days or less.

9-12E-2: **APPLICABILITY:** The residential rentals, short term overlay zone shall be applied only to projects that consist of five (5) dwelling units or more, and cover an area of at least five (5) acres or more.

9-12E-3 9-12E-5

9-12E-3: **APPLICATIONS PROCEDURE:** The application procedure described in chapter 2 of this title for permitted uses, and the subdivision ordinance for subdivision plats shall be adhered to as described in the underlying zoning district.

9-12E-4: **USE REGULATIONS:** Short term residential rentals for any single- and multiple-family residential dwelling units, including condominiums and townhomes. Owners may reside in the dwelling units or offer them for rent or lease.

9-12E-5: SITE DEVELOPMENT REGULATIONS: All site development elements for the above mentioned permitted uses are subject to review and approval of the planning commission and city council, who shall apply the standards and provisions found in chapter 2 of this title, as applicable, as well as the following provisions:

- A. **Primary Use:** Single- and Multiple-family residential is the primary use in Residential zoned parcels, and shall remain such.
- B. **Written Text:** The applicant shall prepare a written text that clearly and thoroughly explains the proposed use of the land including those areas devoted to short term residential rental housing uses and activities.
- C. **Site Development Plan:** The applicant for a residential rental, short term housing overlay zone approval shall prepare a site development plan which shall meet the following criteria:
 - 1. Name and address of applicant and property owner;
 - 2. The locations, dimensions and setbacks of all existing and proposed uses/activities, buildings, fences and/or walls, and other structures to be included in the proposed development;
 - 3. The proposed signage and lighting plan (where applicable);
 - 4. The locations and dimensions of existing and proposed roads, parking areas and traffic circulation patterns, and roads and driveways adjoining and across from the development;
 - 5. The locations and dimensions of existing and proposed drainage facilities, utilities, easements and fire hydrants;

9-12E-5

9-12E-9

- 6. The proposed area dimensions, existing and proposed elevation contours, and north arrow;
- 7. Necessary explanatory notes where applicable; and
- 8. Any other development plans and/or required studies shall be submitted with the application for an Recreational Housing Overlay zone request.
- D. **Ownership:** A Residential Rental, Short Term Overlay area may consist of multiple properties; however, all properties shall have consent of the property owner(s) as presented in the application.

9-12E-6: HEIGHT REGULATIONS: Refer to applicable sections of the underlying zoning classification and Chapter 14, Supplementary And Qualifying Regulations, of this title.

9-12E-7: AREA, WIDTH AND YARD SETBACKS: The area, width and yard regulations shall be dependent upon the underlying zoning classification.

9-12E-8: MODIFYING REGULATIONS: Refer to the underlying zoning classification.

9-12E-9: APPROVAL PROCESS:

- A. The city council may (after receiving a recommendation from the planning commission) approve, modify and approve, or deny any application for a Recreational Housing Overlay zone that is to be located within any Residential zoning district in which the particular overlay zone is permitted by the use regulations of this title. In approving any Recreational Housing Overlay zone, the city council shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public health, safety and general welfare and aesthetics of the city.
- B. Such conditions of approval may include, but shall not be limited to, specifications concerning: structures (existing and proposed); landscaping, density; ingress; egress; fencing; parking; lighting; or other possible nuisances.
- C. The planning commission and city council shall not authorize a Recreational Housing
9-12E-9 9-12E-9

Overlay zone approval unless evidence is presented showing:

1. The proposed use, at this particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity; and
3. The proposed use will comply with regulations and conditions specified in this title for such use; and
4. The proposed use will conform to the intent of the general plan.

Attorney Jeff Starkey asked for clarification on the verbiage of the vacation rental and if this is how they want it to read.

Mr. Ellerman stated that is how it was written but we can help them clean it up and how the definition will read. They will have to come in for a zone change to do the vacation rental.

Commissioner Smith motioned to adjourn the Planning Commissioner meeting.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Meeting adjourned: 10:04 PM

Washington City

Signed by: 
Rick Schofield, Chairman

Attested to: 
Kathy Spring, Zoning Technician